

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVOOD KHADEMI,

Petitioner,

v.

NORTH KERN STATE PRISON and
SALINAS VALLEY STATE PRISON,

Respondents.

No. 2:23-cv-0280 KJN P

ORDER AND FINDINGS &
RECOMMENDATIONS

By order filed February 7, 2023, petitioner's § 2255 motion was dismissed and thirty days leave to file an amended petition for writ of habeas corpus was granted. Subsequently, petitioner filed a motion to stay, but failed to file a petition. On April 11, 2023, petitioner was granted another thirty days in which to file a petition and was provided the standards for seeking a stay pending exhaustion of state court remedies. Thirty days from that date have now passed, and petitioner has not filed a petition that complies with the February 7, 2023, or April 11, 2023 orders, or otherwise responded to the April 11, 2023 order.

In accordance with the above, IT IS HEREBY ORDERED that the Clerk of the Court is directed to assign a district judge to this case; and

IT IS RECOMMENDED that this action be dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

1 These findings and recommendations are submitted to the United States District Judge
2 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
3 after being served with these findings and recommendations, plaintiff may file written objections
4 with the court and serve a copy on all parties. Such a document should be captioned
5 “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that
6 failure to file objections within the specified time may waive the right to appeal the District
7 Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

8 || Dated: May 23, 2023

Kendall J. Newman
KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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